

**REMARKS**

Reconsideration of the above identified application in view of the preceding amendments and following remarks is respectfully requested.

During a telephone conversation with Examiner Thompson, Applicants' representative made a provisional election with traverse to prosecute the invention of Group I, Species (1), corresponding to Claims 1-12 and 16. Applicants' representative affirms this election and withdraws Claims 13-15, and 17-24 from further consideration as being directed to non-elected subject matter. Applicants' respectfully submit that the limitations recited in Claims 12 and 16 can be found in the specification and Fig. 4.

By this amendment, Applicants have amended the specification and Claim 1 so as to more particularly point out and distinctly define the subject matter which Applicant regards as the invention. Additionally, Applicants have added new Claims 25-33 which read on the invention of Group I, Species (1). It is respectfully submitted that no new matter has been added to the subject application by these amendments nor have any new issues been raised. Support for these amendments is found throughout the specification and drawings.

In the Office Action, the Examiner objected to the drawings as failing to comply with 37 C.F.R. 1.84(p)(5) because they do not include a reference sign mentioned in the specification, namely reference sign 143. In response thereto, Applicants have amended the specification to remove mention of reference sign 143. When referring to Figs. 3 and 4 in the specification, reference sign 143 was assigned to stagnant blood. Since stagnant blood is not shown in these figures, Applicants have deleted reference number 143 from

the specification. Applicants respectfully submit that the objection to the drawings has been obviated and withdrawal thereof is requested.

In the Office Action, the Examiner rejected Claims 1-11 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,275,616 to Fowler. Fowler discloses a device for closing an incision or puncture in a patient by inserting a collagenous vessel plug 52 into the incision or puncture. Once inserted into the incision or puncture, the vessel plug 52 is not removed. The porosity of the vessel plug 52 is chosen so that the vessel plug 52 will expand as it absorbs fluid from the surrounding tissue and so the vessel plug 52 will degrade in matter of weeks or months. (See Column 7, lines 52-56).

Applicants have amended Claim 1 to recite, *inter alia*, that the elongated cylindrical plug body is dimensioned and configured for insertion into the central lumen of the vascular access port and for ready removal therefrom to permit access to the blood vessel. This feature of the claimed invention is clearly illustrated in Figs. 3 and 4. Fowler does not teach, disclose or suggest such a structural configuration. Accordingly, Claim 1 and each of the claims depending therefrom, namely Claims 2-12 and 16, distinguish the subject invention from Fowler. Withdrawal of the rejection under 35 U.S.C. § 102(b) is therefore respectfully requested.

New Claim 25 is a combination of original Claims 1 and 3 and recites, *inter alia*, that the apparatus for facilitating vascular access includes a locking mechanism associated with the proximal end of the elongated cylindrical plug body for coupling the plug body to the vascular access port. This feature is clearly illustrated in Figs. 3 and 4. It is respectfully submitted that new Claim 25 and each of the claims depending

therefrom, namely claims 26-33, distinguish the subject invention over the prior art of record and are therefore directed to patentable subject matter..

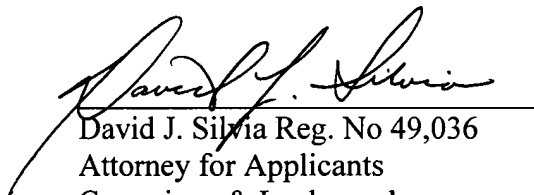
It is respectfully submitted that all of the claims pending in this application, namely Claims 1-12, 16 and 25-33 are directed to patentable subject matter, and allowance thereof is earnestly solicited.

Applicants' representative has reviewed the references cited by the Examiner but not relied upon in the rejection of specific claims. It is respectfully submitted that these references do not disclose or suggest, either alone or in combination, in whole or in part, the claimed invention.

If after reviewing this amendment, the Examiner believes that a telephone or personal interview would facilitate the resolution of any remaining matters the undersigned attorney may be contacted at the number set forth hereinbelow.

Respectfully submitted,

Date : November 18, 2002

  
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**VERSION WITH MAKINGS TO SHOW CHANGES MADE****IN THE SPECIFICATION:**

Please replace the paragraph beginning on page 10, line 9 with the following amended paragraph:

(Amended) The elongated cylindrical plug body 110 has an outer diameter  $D_2$  that is substantially equal to an inside diameter  $D_1$  of the lumen 128 of the vascular access port 120. Therefore, when the plug body 110 is inserted into the lumen 128 of the access port 120, during periods in which the dialysis process is suspended, the flow of blood 132 into the access port 120 is prevented. Additionally, since the length  $L_2$  of the plug body 110 is substantially equal to the length  $L_1$  of the access port 120, stagnant blood 143 (not shown) will not remain in the lumen 128 nor will residual debris accumulate therein.

**IN THE CLAIMS:**

Please replace claim 1 with the following amended claim:

1. (Amended) An apparatus for facilitating vascular access comprising:
  - a) a vascular access port defining an elongated tubular body of predetermined length with a central lumen having opposed proximal and distal end portions, the distal end portion adapted and configured for introduction into a blood vessel; and

b) an elongated cylindrical plug body dimensioned and configured for insertion into the central lumen of the vascular access port and ready removal therefrom to permit access to the blood vessel, the plug body having a length that is substantially equal to the length of the vascular access port so as to prevent blood flow into the lumen of the access port when the plug is engaged therein.

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